

NOT FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

| | | |
|-----------------------------------|---|-------------------|
| CHESTER CROMWELL, |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil No. 2007-56 |
| |) | |
| INNOVATIVE COMMUNICATION, INC., |) | |
| d/b/a INNOVATIVE TELEPHONE, d/b/a |) | |
| VITELCO, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

APPEARANCES:

Chester Cromwell

P.O. Box 303297, St. Thomas, U.S.V.I. 00803

Pro se plaintiff,

Bernard VanSluytman, Esq.

St. Thomas, U.S.V.I.

Innovative Communication, Inc. d/b/a Innovative Telephone d/b/a Vitelco

St. Thomas, U.S.V.I.

Pro se defendant.

ORDER

GÓMEZ, C.J.

On June 26, 2009, the Court entered an Order stating that there was no proof in the record that Innovative Communication, Inc. d/b/a Innovative Telephone d/b/a Vitelco (the "Vitelco")

had been served with Chester Cromwell's ("Cromwell") complaint and summons in this matter. The Order also directed Cromwell to either file proof of service on Vitelco or show cause why this action should not be dismissed for lack of proper service no later than July 13, 2009.

In response to the June 26, 2009, Order, Cromwell filed a document styled as a "Motion for Reconsideration." In that document, he states that on March 22, 2007, he hired Renix Charles ("Charles") to serve the original complaint and summons on Vitelco. Charles thereafter instructed Cromwell to amend the complaint. On July 24, 2007, Cromwell hired Charles to serve the amended complaint on Vitelco. Charles further states that he contacted Charles on July 11, 2009, and Charles represented that he did in fact serve the amended complaint and summons on Vitelco and file them with the Court.

The premises considered, it is hereby

ORDERED that, no later than August 25, 2009, Cromwell shall file an affidavit drafted and signed by Renix Charles, which affidavit shall include:

1. The name of the person who was served with Cromwell's complaint and summons in this matter;
2. The date on which service was made;
3. The place where service was made; and

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4. A copy of the complaint and summons that were served.

S\ _____
CURTIS V. GÓMEZ
Chief Judge

